

Guardian ad litem Procedures

(Effective January 1, 2011)

Petitions / Hearing:

- Petitions requiring an appointment of a Guardian Ad Litem and a report are to be filed at least three (3) weeks prior to the anticipated hearing date. It is no longer acceptable to file a Petition on a Friday for the following Friday's docket.

NOTE: If the case necessitates a shorter time frame than three (3) weeks

See: Guidelines for Emergency Appointments of GAL's for Incapacitated Persons.

- The Friday Motions Docket praecipe setting the hearing shall only be filed after the Guardian ad litem (GAL) report and the medical report have been filed.

Friday Motions Docket Hearing:

- The case should be placed on the 9:00 a.m. uncontested Friday Motions Docket unless it appears the matter is contested when the praecipe is filed to set the hearing. If the matter is contested the case should be placed on the 10:00 a.m. Friday Motions Docket.
- If you have more than one case on the docket for Friday, you may contact the Motions Docket clerk by e-mail to ask if all your cases could be placed in the same courtroom.

CCRCivilMotionsDocket@fairfaxcounty.gov

- If the Motions Docket clerk is unable to accommodate your request and you have been assigned to more than one courtroom, please let the Judge's law clerk know in which courtroom(s) you will be. The law clerks are usually in the courtrooms prior to the start of the dockets.

Order Appointing GAL:

- Upon filing a Petition requiring appointment of a GAL and Report, the Clerk's Office will prepare the model GAL Order and fill in the blank with the Guardian Ad Litem's name chosen from the appropriate list and forward it to a Judge for entry. If a GAL with a specialized expertise is needed, the attorney shall place the matter on the 9:00 a.m. Motions Docket with a Judge. The final determination is made by the Court.
- Attorneys are expected to accept GAL appointments in all cases when contacted by the Clerk's Office. If there is a conflict or an Attorney is unable to accept the appointment, the Attorney must file a Praecipe and Motion and place the motion on the 9:00 a.m. Friday's Motions Docket with a Judge. The final determination is made by the Court.
- Order appointing GAL should be entered within three (3) days of filing.
 - After entry the Clerk's Office will e-mail a certified copy of the signed order to the Petitioning Attorney and GAL.
 - Attorneys will no longer be notified by phone.
 - The Petitioner's Attorney is responsible for forwarding copies of the Petition and related documents to the GAL.

GAL Reports:

- Attorneys should file the GAL Report by e-mail, CCRGalReport@FairfaxCounty.Gov. A courtesy copy may be file in Judges Chambers.

NOTE: Under the new procedures, please remember that the case may not be placed on the Friday Motions Docket until the GAL report and medical reports are filed with the Court.

Guidelines for Emergency Appointment of Guardians ad litem for Incapacitated Persons through Calendar Control

In most cases, three (3) days is a sufficient turn-around time from the filing of a petition until the Guardian ad litem (GAL) order is entered by the Judge.

In a limited number of cases, it may be essential for a GAL to be appointed immediately and the attorney may seek the signing of a GAL order at Calendar Control.

Under the following circumstances it may be appropriate to go the Calendar Control to have a GAL order signed.

1. The petitioning attorney reasonably believes that the Respondent's life or health is threatened.
 - The Respondent has left, or may leave or be removed from a care facility or their home.
 - The Respondent's living conditions are dangerous.
 - Consent for a medical procedure or surgery is needed (being in a hospital is not necessarily an emergency situation).
2. The petitioning attorney reasonably believes the Respondent is being financially exploited.
 - Repeated payments for the same services.
 - Participation in telemarketing sweepstakes and ventures.
 - Inappropriate transactions with family members.

Please do not bring non-emergency matters to Calendar Control